



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**OCT 15 2015**

REPLY TO THE ATTENTION OF:  
WC-15J

**CERTIFIED MAIL 7011 1150 0000 2639 5292**  
**RETURN RECEIPT REQUESTED**

Mr. John Bach  
Sanitary District Superintendent  
3333 Ridge Road  
Highland, Indiana 46319-2294

Subject: Notice of Violation – Non-compliance with Administrative Order, issued to the  
Sanitary District of Highland (Highland), Docket No. V-W-11-AO-07

Dear Mr. Bach:

On August 25, 2014, under the Administrative Order cited above, the U.S. Environmental Protection Agency approved Highland's proposed "Interim Plan," which included, among other things, construction of an 8.5 Million Gallon (MG) sewage storage basin. As part of the approval of the Interim Plan, the schedule proposed by Highland for the Interim Plan was added to the Administrative Order. After EPA's approval, Highland began working towards implementing the Interim Plan, including submitting a Construction Permit Application to Indiana Department of Environmental Management (IDEM), and submitted documentation seeking a Capacity Certification Letter from Hammond Sanitary District (HSD). Both are necessary for Highland to begin construction of the proposed storage basin. Highland was unable to receive a Capacity Certification Letter from HSD (we understand that HSD claimed that there were questions regarding the capacity of the HSD sewer collection system) and Highland has subsequently withdrawn its Construction Permit Application from IDEM. As a consequence, Highland is now out of compliance with the Interim Plan schedule, and, as such, is out of compliance with the Administrative Order.

To remedy this non-compliance with the Administrative Order, Highland must submit to EPA a revised recommended Sewer System Evaluation Study (SSES) alternative that can be implemented without delay. To the extent that the revised plan will require capacity certification from HSD, Highland must re-apply to HSD for that certification and provide assurance of any necessary capacity requirements to HSD in a timely manner. The revised recommended SSES alternative, pursuant to Paragraphs 28c and 28d of Highland's Administrative Order, should be as or more stringent than the previous Interim Plan in terms of addressing Sanitary Sewer Overflow (SSOs) within the 5<sup>th</sup> Street Basin. EPA requests that this new plan be submitted to EPA for review by November 20, 2015.

EPA looks forward to working with the Sanitary District of Highland to ensure that Highland achieves compliance with its Administrative Order and the Clean Water Act. If you have any questions, please contact Keith Middleton of my staff, at (312) 886-6465 or [middleton.Keith@epa.gov](mailto:middleton.Keith@epa.gov), or your legal counsel may contact Andre Daugavietis, Associate Regional Counsel, at (312) 886-6663 or [daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patrick F. Kuefler', with a long horizontal flourish extending to the right.

Patrick F. Kuefler  
Chief  
Water Enforcement & Compliance Assurance Branch

cc: Robert F. Tweedle, Law Offices of Robert F. Tweedle